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Attorneys for Defendants
UBER TECHNOLOGIES, INC.;
RASIER, LLC; and RASIER-CA, LLC

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DECLARATION OF MICHAEL B.
SHORTNACY IN SUPPORT OF
DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, RASIER-CA, LLC'S
ADMINISTRATIVE MOTION FOR
RELIEF FROM ORDER (DKT. 2676) AND
FOR LEAVE TO FILE OUT OF TIME**

Judge: Hon. Charles R. Breyer
Courtroom: 6-17th Floor

DECLARATION IN SUPPORT OF DEFENDANTS' ADMINISTRATIVE MOTION FOR RELIEF FROM ORDER
(DKT. 2676) AND FOR LEAVE TO FILE OUT OF TIME

Case No. 3:23-MD-3084-CRB

1 I, Michael B. Shortnacy, declare as follows:

2 1. I am a partner at the law firm of Shook, Hardy & Bacon L.L.P., representing Defendants
3 and Third-Party Plaintiffs, Uber Technologies, Rasier LLC, and Rasier-CA, LLC, (“Defendants”). I
4 am a member in good standing of the Bar of the State of California, the Bar of the State of New York,
5 and the Bar of the District of Columbia. I make this declaration based upon matters within my own
6 personal knowledge and if called as a witness, I could and would competently testify to the matters
7 set forth herein.

8 2. I respectfully make this declaration in support of Defendants’ Administrative Motion
9 For Relief From Order (Dkt. 2676) and For Leave to File Responsive Statement Out of Time.

10 3. Defendants’ not timely submitting their Responsive Statement in Support of Plaintiffs’
11 Administrative Motion to Consider Whether Another Party’s Materials Should Be Sealed (ECF No.
12 2496) was unintentional and inadvertent. Defendants’ omission was the result of a misunderstanding
13 about which outside counsel was preparing the response, and was an oversight for which Defendants
14 respectfully request the grace and understanding of the Court.

15 4. This is a complex litigation with a number of lawyers working very hard to advance
16 this litigation and meet the Court’s deadlines. It was in this context that the misunderstanding about
17 who was preparing the Responsive Statement occurred.

18 5. Defendants’ not timely filing a Responsive Statement was not the result of a conscious
19 disregard of the Rules or the need for timely filings, nor is there any history or pattern of missing such
20 deadlines.

21 6. Defendants’ untimely response was not due to bad faith, inexcusable neglect, or
22 gamesmanship. Defendants have not gained any strategic or litigation advantage from the delay.

23 7. I have conferred with Plaintiffs’ Counsel, Mr. Andrew Kaufman, about this Motion for
24 Administrative Relief from Order (DKT. 2676) and For Leave to File Out of Time. Mr. Kaufman
25 represented to me that Plaintiffs do not oppose Defendants’ Administrative Motion for Relief from
26 Order (Dkt. 2676) and For Leave to File Out of Time, and take no position on Defendants’ related
27 request to seal highly confidential business material.

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I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 4, 2025

BY: /s/Michael B. Shortnacy
Michael B. Shortnacy